

REMARKS

This application has been reviewed in light of the Non-Final Office Action dated February 11, 2009 (hereinafter referred to as the "Office Action"). Claims 1-23 are pending in the present application. Claims 1, 12, and 23 are in independent form and are amended herein. Claims 10 and 21 are also amended for consistency with newly amended Claims 1 and 12. Support for these amendments may be found in the present application at least in paragraphs [0005], [0006], [0016], and [0018]. (Applicants' Published Appl. No. US 2005/0131804). No new matter is added by these amendments. In view of the aforementioned amendments and remarks set forth below, Applicants respectfully request allowance of Claims 1-23.

The 35 U.S.C. § 102(b) and §103 Rejections

In the Office Action, Claims 1-4, 7, 8, 12-15, 18, 19 and 23 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Publication No. 2002/0138390 (herein "May"). It is well-established that for a reference to defeat a claim's novelty under 35 U.S.C. § 102, it must disclose each and every element of the claim. MPEP § 2131. Claims 1-23, as amended, call for embodiments of a system (Claims 1-11), a method (Claims 12-22) and a program storage device (Claim 23) directed to receiving reserve information based on an exposure associated with a derivative trade, reviewing the derivative trade and the reserve information, and allocating billing information based on the reserve information to an entity (e.g., a business unit within an organization) which created the exposure. For at least the reasons set forth below, Applicants respectfully submit that May fails to disclose each and every element of Claims 1-23.

In this paper, Claims 1, 12, and 23 are amended to call for 'allocating billing information based on reserve information to an entity creating the exposure'. As detailed in the

present application, embodiments of the present invention advantageously provide for the reserve amounts to be billed to the business units that actually created the exposure associated with a derivative trade. (Present Application, paragraph [0005]). A further advantage is achieved by embodiments of the present application by basing the billing information allocated to the appropriate entity on the reserve information, thereby accounting for the risk exposure associated with the derivative trade, such as, for example, exposure to counterparty default. (Present Application, paragraphs [0016] – [0018]).

In the Office Action, the Examiner cites paragraph [0199] of May in support of the position that May provides a description of the aforementioned feature as provided in original Claim 1, as further clarified in amended Claim 1. However, paragraph [0199] of May provides no such disclosure and makes no mention or reference to the allocation of billing information to an entity which created an exposure, wherein the billing information is based on reserve information. The ‘credit groups’ described in paragraph [0199] of May relate to “a grouping of classes of financial contracts that a business unit wishes to be treated in a like manner for credit purposes.” (May, paragraph [0199]). Clearly, this does not relate to the allocation of billing information based on reserve information, as embodied in Claims 1-23.

Accordingly, May fails to disclose each and every element of the presently pending claims as required for an anticipation rejection under 35 U.S.C. § 102(b). Specifically, May fails to disclose at least ‘a review of a derivative trade and associated reserve information and allocation of billing information based on the reserve information to an entity creating the exposure,’ as recited in Claims 1-23.

In addition, as detailed in the Applicants’ previous response dated November 20,

2008, May fails to describe an input component configured to receive reserve information associated with a derivative trade. In the 'Response to Arguments,' section of the Office Action, the Examiner maintains the position "that common factors used in scoring are income and assets. Thus, reserves (and other assets) are factored into the a (sic) measurement of credit risk." (Office Action, page 19). It is not clear whether the Examiner is taking Official Notice in support of this assertion or whether the Examiner is relying on a portion of the disclosure in May. As such, Applicants maintain the position that May fails to teach the receiving of reserve information associated with a derivative trade, or the use of said reserve information to determine billing information for allocation to an entity creating the exposure.

For at least the reasons set forth above, Applicants respectfully submit that May fails to teach each and every element of the presently pending claims. Accordingly, Applicants request that the 35 U.S.C. § 102(b) rejection based on May be withdrawn.

With regard to the 35 U.S.C. § 103 rejection of Claims 5, 6, 9, 10, 16, 17, 20 and 21 (which each depend from independent Claims 1, 12, and 23 discussed above in detail with respect to the § 102 rejection), the Examiner relies on U.S. Patent No. 6,236,972 (herein "Shkedy") as allegedly teaching the additional features introduced in aforementioned dependent claims. Applicants respectfully submit that Shkedy does not cure the aforementioned deficiencies in the reliance on May as a primary reference against the underlying independent claims. As such, the combination of May and Shkedy does not teach or suggest a system or method which 'receives reserve information based on an exposure associated with a derivative trade, reviews the derivative trade and reserve information, and allocates billing information based on the reserve information to an entity creating the exposure,' as called for in Claims 1-23 of the present application.

Applicants respectfully request reconsideration and withdrawal of the rejections set forth in the Office Action in view of the reasons set forth above. Accordingly, Applicants submit that Claims 1-23 are in condition for allowance. In the event that any issues remain following entry of this Response, Applicants' attorney respectfully invites the Examiner to contact the undersigned at (973) 422-6422. Applicants ask that all correspondence related to this matter continue to be directed to the address provided.

Respectfully submitted,

/Daniel D. Sierchio/
Daniel D. Sierchio
Attorney for Applicants
Registration No. 53,591

Please mail all correspondence to:
DOCKET ADMINISTRATOR
LOWENSTEIN SANDLER PC
65 Livingston Avenue
Roseland, NJ 07068